MONDAY, MARCH 23, 1998

SEVENTY-SEVENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Keith Parker, Hendersonville Church of Christ, Hendersonville, Tennessee.

Representative Stamps led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Oyer), Copper, Cross, Curtiss, Davidson, Davis, Deberry J., DeBerry L., Dume, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Philips, Pinion, Pleasant, Pruilt, Rhinehart, Rigdeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tideult, Tindell, Towns, Turner (Sheby), Walker (Blount), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr., Speaker Naffeh — 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Jackson; personal reasons

Representative Walker(Rhea); personal reasons

The roll call was taken with the following results:

Representative Turner(Hamilton): personal reasons

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 178: Rep(s), Kisber as prime sponsor(s),

House Joint Resolution No. 513: Rep(s). Fraley as prime sponsor(s).

House Bill No. 2079: Rep(s), Bover and McDaniel as prime sponsor(s).

House Bill No. 2259: Rep(s). Newton as prime sponsor(s).

House Bill No. 2260: Rep(s). Newton as prime sponsor(s).

House Bill No. 2394: Rep(s), Pinion as prime sponsor(s).

House Bill No. 2621: Rep(s). West, Beavers, Scroggs, Newton, Bird, Wood, Ford, Givens, Stamps, McDaniel, Garrett, Boner, Boyer, Dunn, Sargent, Sharp and Bittle as prime sponsor(s).

House Bill No. 2842: Rep(s). Fraley as prime sponsor(s).

House Bill No. 2907: Rep(s). Stamps and McDaniel as prime sponsor(s).

House Bill No. 2909: Rep(s). Stamps and McDaniel as prime sponsor(s).

House Bill No. 3004: Rep(s). Walker(Blount), J. DeBerry, Cooper and U. Jones as prime soonsor(s).

House Bill No. 3067: Rep(s). Stulce as prime sponsor(s).

House Bill No. 3242: Rep(s). Wood, Mumpower, Scroggs, Sargent, Hicks, Pleasant, Walker(Blount), Sharp, Boyer, Ford, Dunn, Gunnels, Kerr, McKee, Halteman Harwell, Haley, Hassell, Bird, Whitson and Patton as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Hargett was/were removed as sponsor(s) of House Bill No. 2415.

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said billifresolution:

House Bill No. 2527: Rep(s). Armstrong.

MESSAGE FROM THE GOVERNOR March 20, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1520, with his approval.

COURTNEY PEARRE. Counsel to the Governor.

ENROLLED BILLS March 23, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s), 2454, 2850 and 3025.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED March 23, 1998

The Speaker signed the following: House Bill(s) No(s), 2454, 2850 and 3025.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2864; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2787; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk,

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2908; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2616; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 596, 597 and 598; all concurred in by the Senate.

CLYDE W. McCULLOUGH JR. Chief Clerk

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3066; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 3066 — Aged Persons - Enacts "Tennessee All Inclusive Care for the Elderly Act of 1998." Amends TCA Title 56. Chapter 32 and 7. by *Crutchfield.

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3095; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk,

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 43, 2178, 2188, 2332, 2498, 2621, 3013, 3105 and 3248; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk,

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 539 and 558; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 539 - Memorials, Recognition and Thanks - Pastor Walter Phillips, Jr., Christ Temple Christian Church. by "Haynes.

Senate Joint Resolution No. 558 — Naming and Designating - "Storytelling Day in Tennessee," April 1, 1998. by *Crowe.

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2134, 2248, 2516 and 3014; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH JR. Chief Clerk

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3248; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE March 23, 1998

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 519, 520, 522, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535 and 536; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 519 — Memorials, Professional Achievement - Linda Arms Gilbert, 1998 Teacher of the Year, by *Womack.

Senate Joint Resolution No. 520 -- Memorials, Sports - Campbell County High School football team honorees. by *McNally.

Senate Joint Resolution No. 522 -- Naming and Designating - "National Crime Victims' Rights Week," April 19-25, 1998. by *Burks, *Cooper, *Henry, *Dixon.

Senate Joint Resolution No. 523 -- Memorials, Academic Achievement - Henry Garth Click, 1998 White House High School Salutatorian. by *Graves.

Senate Joint Resolution No. 524 — Memorials, Academic Achievement - Daniel Alan Lewis, 1998 White House High School Valedictorian, by *Graves.

Senate Joint Resolution No. 525 — Memorials, Academic Achievement - Mary Bartek, Salutatorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 526 - Memorials, Academic Achievement - Josh Phillips, 1998 Gallatin High School Valedictorian. by *Graves.

Senate Joint Resolution No. 527 -- Memorials, Academic Achievement - Gabe Phillips, Valedictorian, Gallatin High School. by *Graves.

Senate Joint Resolution No. 528 - Memorials, Academic Achievement - Christy Pruett, 1998 Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 529 — Memorials, Academic Achievement - Sara Carter, 1998 Valedictorian. Portland High School, by *Graves.

Senate Joint Resolution No. 530 — Memorials, Academic Achievement - Jennifer Andrews, 1998 Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 531 — Memorials, Academic Achievement - Myryea A. Edwards-Valedictorian, Portland High School, by *Graves.

Senate Joint Resolution No. 532 -- Memorials, Academic Achievement - Joy Royster, 1998 Greenbrier High School Valedictorian, by *Graves.

Senate Joint Resolution No. 533 — Memorials, Academic Achievement - John E. Evans. 1998 Greenbrier High School Valedictorian. by *Grayes.

Senate Joint Resolution No. 534 -- Memorials, Academic Achievement - Jeremy Stiles, Salutatorian, Greenbrier High School. by "Graves.

Senate Joint Resolution No. 535 — Memorials, Academic Achievement - Jennifer Mitchell, Valedictorian, Jo Byrns High School. by *Graves.

Senate Joint Resolution No. 536 — Memorials, Academic Achievement - Kenya Danielle Matthews, Salutatorian, Jo Byrns High School. by *Graves.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 624 — Naming and Designating - "Dedrick 'Teddy' Withers Day" in Shelby County, April 26, 1998. by "Cooper B, "Miller L, "Bowers, "Brooks, "Jones U (Shelby), "Turner (Shelby), "Kernell, "Towns, "DeBerry L, "Langster."

State & Local Government Committee

"House Joint Resolution No. 625 — Memorials, Congress - Urges use of transportation funds solely for transportation projects. by "Buck, "While," Haley, "Beavers, 'Bittle, 'Ridgeway, "Head, "Roach, 'Hood, 'Pinion, 'Maddox, 'Cross, 'Kisber, 'Hassell, 'Tidwell, 'Shan, 'Sarreut, 'Fitzhudh, 'Davis R, 'Huskey, Westmoreland, 'Davidson, 'Burcell,

Transportation Committee

"House Resolution No. 176 — General Assembly, Statement of Intent or Position – Expresses sense of house that members, staff, and visitors should refrain from smoking in certain areas of State Capitol and Legislative Plaza. by "Cooper B., "Miller L., "Beavers, "Brooks, "Jones, S., "Pruit," West, "Kernell, "Towns, "Chumney, "Lansster, "Kerr, "Brown.

Agriculture Committee

House Resolution No. 177 — Memorials, Congress - Urges transportation funds not be used for non-transportation projects. by "Bubuk, "Robinson," White, "Halley, "Beavers, "Bittle, "Ridgeway, "Head, "Roach, "Maddox, "Kisber, "Hood, "Hassell, "Pinion, "Hargrove, "Cross, "Tidwell, "Sharp, "Sarqent, "Fizibud, "Davis R, "Hicks," Westmoreland, "Daviston, "Burchtson, "Bur

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 26. 1998:

House Resolution No. 179 -- Memorials, Academic Achievement - Gennifer Megan Ayers, Sullivan High School. by *Godsey.

House Resolution No. 180 — Memorials, Personal Occasion - John and Geneva Cummings. 50th wedding anniversary. by "Brooks, "Turner (Shelby), "DeBerry J., "Jones U (Shelby), "Bowers, "Cooper B, "Towns, "Miller L, "Pruit, "Langster, "DeBerry L, "Chumney.

House Joint Resolution No. 627 -- Memorials, Personal Achievement - Stephanie Joy Gaskill, Tennessee's Safest Kid. by *Beavers, *Fowlkes.

House Joint Resolution No. 628 -- Memorials, Sports - Chad Bartlett, TSSAA Division 1 State Wrestling Tournament 189 pound runner-up. by *Beavers, *Fowlkes.

House Joint Resolution No. 629 - Memorials, Sports - Sparta Youth Basketball Program. by *Curtiss.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 26, 1998:

Senate Joint Resolution No. 519 — Memorials, Professional Achievement - Linda Arms Gilbert. 1998 Teacher of the Year, by *Womack.

Senate Joint Resolution No. 520 - Memorials, Sports - Campbell County High School football team honorees, by *McNally.

Senate Joint Resolution No. 523 — Memorials, Academic Achievement - Henry Garth Click, 1998 White House High School Salutatorian. by *Graves.

Senate Joint Resolution No. 524 — Memorials, Academic Achievement - Daniel Alan Lewis. 1998 White House High School Valedictorian. by *Graves.

Senate Joint Resolution No. 525 — Memorials, Academic Achievement - Mary Bartek, Salutatorian, Gallatin High School, by *Graves.

Senate Joint Resolution No. 526 - Memorials, Academic Achievement - Josh Phillips, 1998 Gallatin High School Valedictorian, by *Graves.

Senate Joint Resolution No. 527 -- Memorials, Academic Achievement - Gabe Phillips, Valedictorian, Gallatin High School, by *Graves.

Senate Joint Resolution No. 528 — Memorials, Academic Achievement - Christy Pruett, 1998 Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 529 — Memorials, Academic Achievement - Sara Carter, 1998 Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 530 — Memorials, Academic Achievement - Jennifer Andrews, 1998 Salutatorian, Portland High School. by *Graves.

Senate Joint Resolution No. 531 - Memorials, Academic Achievement - Myryea A. Edwards-Valedictorian, Portland High School. by *Graves.

Senate Joint Resolution No. 532 -- Memorials, Academic Achievement - Joy Royster, 1998 Greenbrier High School Valedictorian. by *Graves.

Senate Joint Resolution No. 533 — Memorials, Academic Achievement - John E. Evans, 1998 Greenbrier High School Valedictorian. by *Graves.

Senate Joint Resolution No. 534 - Memorials, Academic Achievement - Jeremy Stiles, Salutatorian, Greenbrier High School. by *Graves.

Senate Joint Resolution No. 535 — Memorials, Academic Achievement - Jennifer Mitchell, Valedictorian, Jo Byrns High School. by *Graves.

Senate Joint Resolution No. 536 - Memorials, Academic Achievement - Kenya Danielle Matthews, Salutatorian, Jo Byrns High School, by *Graves.

Senate Joint Resolution No. 539 -- Memorials, Recognition and Thanks - Pastor Walter Phillips, Jr., Christ Temple Christian Church, by *Haynes.

Senate Joint Resolution No. 558 - Naming and Designating - "Storytelling Day in Tennessee," April 1, 1998. by *Crowe.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3396 — Sullivan County - Subject to local approval, amends charter by substituting "voting precinct" for "civil district." Amends Chapter 349 of the Private Acts of 1947, as amended. by "Murmoover." Godsev. "Westmoreland.

House Bill No. 3398 — Ashland City - Subject to local approval, revises charter.

Amends Chapter 132 of the Private Acts of 1969; as amended, by *Williams (Williamson).

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

*Senate Bill No. 2102 -- Sunset Laws - Epilepsy advisory committee, June 30, 2006.

Amends TCA Title 4, Chapter 29 and Title 69, Chapter 49, by *Springer.

*Senate Bill No. 2105 -- Sunset Laws - Public health council, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 1. by *Springer.

*Senate Bill No. 2109 — Sunset Laws - Perinatal advisory committee, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 1. by *Springer.

*Senate Bill No. 2167 - Victims Rights - Enacts "Victim and Citizen Criminal Apprehension and Protection Act of 1998." Amends TOA Title 39, Chapter 11, Part 6. by "Cohen." Carter. "Gilbert. "Crowe. "Person. "Ramsev. "Soringer. "Williams." Haun. "Elsea.

*Senate Bill No. 2415 - Criminal Offenses - Enacts "Tennessee Identity Theft and Assumption Deterrence Act of 1998", creates offense of identity theft and assumption, punishable as Class A misdemeanor. Amends TCA Section 39-16-302. by "McNator.

*Senate Bill No. 2552 — Appeal and Review - Removes option for filing judicial appeal of state board of equalization decisions in Davidson County; requires appeal in county where assessment was made. Amends TCA Section 67-5-1511(b). by "Crowe.

*Senate Bill No. 2560 — Tennessee Higher Education Commission - Revises terminology describing regulated postsecondary educational institutions. Amends TCA Title 49, Chapter 7, Part 20. by *Womack.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3393 -- Roane County -- Local Bill Held on House Desk

House Bill No. 3394 -- Fentress County -- Local Bill Held on House Desk

CONSENT CALENDAR

House Bill No. 2672 — Juries and Jurors - Authorizes county legislative body to increase compensation paid to jurors, such compensation not to exceed \$40.00 per day. Amends TCA Title 22, Chapter 4. by "Garrett, "Boner, "Arriola, "Jones, S., "West, "Pruitt, "Halteman Harwell, "Robinson," Lanoster, "Odorn, "Miller L. Filzhub," ("S26241 by "Havnes)

*House Bill No. 3223 -- Fair Trade Laws - Enacts "Unfair Retailer's Cigarette Sales Law" Amends TCA Title 47, Chapter 25, Part 3. by *Rinks. (\$B3344 by *Cooper)

House Joint Resolution No. 513 -- Naming and Designating - "V.H. 'Doc' Jernigan Golf/Pro Shop," Old Stone Fort State Park, by *Lewis.

House Bill No. 2338 — Municipal Government - Permits boards of municipallities incorporated under general law having mayor-aldermanic charter, to adopt ordinance to change from four to two year terms. Amends TCA Section 6-3-102. by "McAfee, ("SB2274 by "Fowler)

On motion, House Bill No. 2338 was made to conform with Senate Bill No. 2274; the Senate Bill was substituted for the House Bill.

"House Bill No. 3352 — Parks, Natural Areas Preservation - Transfers jurisdiction and control of Chucalisas Indian Village and Museum from University of Memphis to department of environment and conservation. by "Cooper B, "Bird, "Brooks, "Kernell, "Turner (Shelby), "Miller L, "Jones U (Shelby), (S83297 by "Dixon)

House Bill No. 3203 -- Criminal Offenses - Redefines "lewdness" to include indecent exposure. Amends TCA Section 29-3-101. by "Dunn, "Burchett, "Bone, "West, "Hargett, "Haley, "Pleasant, ("SB1610 by "Jordan)

*House Bill No. 2951 — Criminal Offenses - Expands scope of offense of sexual battery by authority figure. Amends TCA Section 39-13-527. by *Westmoreland. (SB3158 by *Ramsey)

"House Bill No. 2080 — Historical Commission - Requires six members of commission to be academically-trained historians with master's degree in history, two from each grand division; three to be African-American, one from each grand division; appointments to be made as vacancies occur or at expiration of terms. Amends TCA Section 4-11-102. by "Pruitt, "Brooks, "Langster, (SB3222 by "Dipon")

House Bill No. 3054 — District Attorneys – Allows service credit for prior experience as district public defender or assistant district public defender for purpose of determining appropriate compensation level of assistant district attorney general. Amends TCA Title 8, Chapter 7, Part 2. by "Windle, "SB3167 by "Davis L, "Herrol".

On motion, House Bill No. 3054 was made to conform with Senate Bill No. 3167; the Senate Bill was substituted for the House Bill.

*House Joint Resolution No. 426 -- Memorials, Government Officials - Urges governor to include funding for nationally recognized Child Lures Community Plan in 1998-1999 fiscal year budget. by *Hargrove, *Turner (Hamilton).

House Bill No. 2920 — Health - Deletes 1990-1995 date restriction relative to commission to develop and update Tennessee state health plan. Amends TCA Section 68-11-125. by "Jackson. "Wallev. ("SB2382 by "Cooper")

On motion, House Bill No. 2920 was made to conform with Senate Bill No. 2382; the Senate Bill was substituted for the House Bill.

House Bill No. 2837 - Dentists - Prescribes advertising standards and requirements for dental referral services.

*Person)

*Person)

House Bill No. 2679 — Criminal Offenses - Increases from Class C to Class A misdemeanor punishment for offenses of falling to stop upon approaching school bus; imposes mandatory \$250 fine for first such offense and \$250-\$2,500 fine for subsequent offenses. Annends TCA Section 558-915. by *Langster, "Halteman Harwell, "Pruit, "Jones, S., "Arriola, "Ferguson, "DeBerry L, "Jones U (Shelby), "Garrett, "Armstrong, "Odom, "Cooper B, "Caldwell, "Brooks, "Bone, "West, "Ridgeway, "Cole (Carlert), "Prilon," Fetbles, "Rinks, "Kent, "McMilland," Browers, "Walley, "Lewis, "Head, "Fitzhugh, "Miller L, "DeBerry J, "Fowlkes. ("S82616 by "Haymes, "Miller J," "Prowikes.")

House Bill No. 3176 — Opticians - Prohibits members of board of dispensing opticians from serving more than three consecutive terms, instead of three terms tolat; raises per diem compensation for members' expenses from \$50.00 to \$100 Amends TCA Title 63, Chapter 14, by 'Hassell, (*183230 by 'Person)

House Bill No. 2394 — Education, State Board of - Requires board and local education agencies, located entirely or partially within 100 miles of the New Madrid fault line, to implement earthquake drills. Amends TCA Section 49-1-302. by "Hargett, "Bowers, "Kernell, "Haley, "Pleasant, "Eirkubn, "Maddow, ("SB2215 bv" Crafer)

House Bill No. 3389 — Macon County - Subject to local approval, enacts "Macon County Mobile Home Park Regulations.". by *Buck. (SB3392 by *Burks)

House Bill No. 3391 — Trenton - Subject to local approval, establishes salary range for city council members between \$200 and \$600 a month. Amends Chapter 551 of the Acts of 1903; as amended, by *Phelan.

House Bill No. 3392 — Trenton - Subject to local approval, establishes salary range for mayor between \$45,000 and \$55,000 to be set by council. Amends Chapter 551 of the Acts of 1903: as amended, by 'Phelan.

House Resolution No. 178 — Memorials, Professional Achievement - Phil George, President of TCW, by *Naifeh, *Hargrove, *Rinks, *DeBerry L, *Bowers,

House Joint Resolution No. 626 -- Memorials, Sports - Jennifer Wilson, TSSAA Class 4-A Miss Basketball. by *Caldwell.

Senate Joint Resolution No. 509 — Memorials, Sports - Memphis Amateur Hockey League High School Division. by *Cohen, *Kyle.

Senate Joint Resolution No. 512 — Memorials, Retirement - Daisy Hamlin, former Assistant Chief Clerk of the Senate. by "Rochelle," Atchley, "Burks, "Carter, "Clabough, "Cohen, "Cooper, "Crowe, "Crutchfield, "Davis L, "Dixon, "Elsea, "Ford J, "Fowler, "Gilbert, "Graves, "Harper, "Haun, "Haynes, "Henry, "Herron, "Jordan, "Koella, "Kurlita, "Kyle, "Leatherwood, "McNally, "Miller J, 'Person, "Ramsey, "Rochelle, "Springer, "Wider, "Williams, "Womack.

Senate Joint Resolution No. 513 - Memorials, Academic Achievement - Susan Woodard, Valedictorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 514 -- Memorials, Academic Achievement - Kyle Raymond Schroeder, Salutatorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 515 -- Memorials, Personal Achievement - James Wilson Wilburn, II, National High School Jazz Ensemble. by *Rochelle.

Senate Joint Resolution No. 516 — Memorials, Professional Achievement - Herald Citizen, 95 years of service. by *Burks.

Senate Joint Resolution No. 517 — Memorials, Interns - Robbin Walker, by *Person.

Senate Joint Resolution No. 540 - Memorials, Public Service - Bryan Dearing. by *Haynes.

Senate Joint Resolution No. 541 — Memorials, Academic Achievement - David Latimer, recipient of Rhodes Scholarship. by *Haynes.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 3203: by Rep(s). Dunn and Turner(Shelby)

House Bill No. 2080: by Rep. Stamps

Under the rules, House Bill No: 3203 and 2080 was/were placed at the foot of the calendar for March 26, 1998

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	2

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Cole (Carler, Cole (Dyer), Cooper, Cross, Curists, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Grivens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U, Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Munyower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pnitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stuloe: Tidwell Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 89.

Representatives present and not voting were: Brooks, Eckles -- 2.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 3217 — Alcoholic Beverages - Redefines "convention center" in relation to premises where certain alcoholic beverages can be consumed. Anmeds TCA Section 574-102(10)(A). by "Jones, S., "West, "Jones, S., "Langster, "Arriola, "Boner, "Robinson, "Odorn, "Halteman Harwell, ("SE2978 by "Crutchfield)."

Further consideration of House Bill No. 3217 previously considered on March 9, 1998, and reset to today's Calendar.

Rep. S. Jones moved that House Bill No(s). 3217 be reset for the Regular Calendar on March 30, 1998, which motion prevailed.

*House Bill No. 262 -- DUI/DWI Offenses - Reduces from 15 to ten days time for commissioner of safety to make decision in DUI driver license suspension case Amends TCA Title 55, Chapter 10. by *Hargrove. (SB1361 by *Rochelle)

Further consideration of House Bill No. 262 previously considered on March 9, 1998, and reset to today's Calendar.

Rep. Hargrove moved that House Bill No. 262 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

"House Bill No. 2079 — Marriage - Restricts ministers who may solemnize rite of matrimory to those who are ordained; validates marriage performed by minister of Universal Life Church before effective date Amends TCA Title 36, Chapter 3. by "Halteman Harwell, "Burchett, "Chumney, "Haley, (SB2594 by "Herron)"

Further consideration of House Bill No. 2079 previously considered on March 9, 1998, and reset to today's Calendar.

Rep. Halteman Harwell moved that House Bill No. 2079 be passed on third and final consideration.

Rep. J. DeBerry moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2079 by deleting all language after the enacting clause and by substituting instead the following:

- SECTION 1. Tennessee Code Annotated, Section 36-3-301(a), is amended by deleting from the first sentence the words and punctuation "All regular ministers of the gospel of every denomination," and substituting instead the words and punctuation "All ministers or other religious leaders of every religious belief."
- SECTION 2. Tennessee Code Annotated, Section 36-3-301(a), is further amended by designating the existing language, as amended, as subdivision "(1)" and by adding the following new language, to be designated as subdivisions "(2)" and "(3)":
 - (2) Provided, however, for a minister or other such leader to solemnize the ride of matrimony, the minister or leader must be ordained or chosen by or in conformity with the customs of a church, temple or other religious group or organization, the customs of which provide for ordination or the bestowing of leadership by a considered, deliberate, and responsible act, and the minister or leader must thereby be given the power to solemnize marriages for religious purposes.
 - (3) If any marriage has been entered into by license issued pursuant to this chapter at which any minister or other such leader officiated before the effective date of this act, such marriage shall not be invalid because of a defect in the minister's ordination or the means by which such leader was chosen.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Halteman Harwell moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2079 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36:3-301(a), is amended by deleting from the first sentence the language "All regular ministers of the gospei of every denomination, and Jewish rabbis," and substituting instead the language "All regular ministers, preachers, pastors, priests, rabbis and other spiritual leaders of every relicious belief."

SECTION 2. Tennessee Code Annotated, Section 36-3-301(a), is further amended by designating the existing language, as amended, as subdivision "(1)" and by adding the following new subdivisions:

- (2) Provided, however, in order to solemnize the rite of matrimony, any such minister, preacher, pastor, priest, rabio or other spiritual leader must be ordained or otherwise designated in conformity with the customs of a church, temple or other religious group or organization; and such customs must provide for such ordination or designation by a considered, deliberate, and resconsible act.
- (3) If any marriage has been entered into by license issued pursuant to this chapter at which any minister officiated before the effective date of this act, such marriage shall not be invalid because the requirements of the preceding subdivision (2) have not been met.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Halteman Harwell moved that **House Bill No. 2079**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arniola, Beavers, Birt, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumeny, Cole (Carter), Cole (Dyer), Cooper, Cross, Curliss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fichugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stuloe, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

A motion to reconsider was tabled.

*Senate Bill No. 180 — Election Laws - Prohibits county election commission from permitting inspection of public record containing social security number to any person other than holder of number unless record is redacted Amends TCA Title 2, Chapter 2, by *Fowler. (HB422 by *Sharp, *Ford S)

Further consideration of Senate Bill No. 180 previously considered on March 2, 1998, at Which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 2, 3 and 4. The bill was also considered on March 4, 1998 and March 9, 1998, and reset to boda's Calendar.

Rep. Sharp moved that Senate Bill No. 180 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

House Bill No. 2621 — Taxes, Inheritance Gift. Increases inheritance tax exemption by \$25,000 a year from \$600,000 in 1998 to \$1,000,000 in 2014. Amends TCA Title 67, Chapter 8, Part 3. by "Davidson, "Head, "Naifeh, "Rhinehart, "Kisber, "Armstrong, "Rinks, "Kent, "Fowkkes, "Pheiban, "Cole (Dyer), "Cole (Carter), "Chumney, "Hargrove, "Whitson, "MicDonald, "White, "Mumpower, "Godsey, "Patton, "Pilon, "Ridgeway, "Ferguson, "Lewis, "Stutice, "Hargett, "Haley, "Pleasant, "Fraley, "Sands, "West, ("SB2528 by "Rochelle, "Cooper, "Graves, "McNally, "Leatherwood, "Herron)

Rep. Davidson moved that House Bill No. 2621 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2621 By deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-8-316, is amended by adding the following new subsection to be designated as (b) and by relettering present subsection (b) accordingly:

(b) For the sole purpose of determining the net taxable estate under this part and part 4 of this chapter, there shall be allowed against the net estate a maximum single exemption against that portion of the estate distributable to one (1) or more beneficiaries of an amount to be determined by the following schedule:

In the case of a decedent dying:	Amount
On or after July 1, 1998, but before January 1, 1999	\$625,000
In 1999	650,000
In 2000 and 2001	675,000
In 2002 and 2003	700,000
In 2004	850,000
In 2005	950,000
In 2006 and thereafter	1,000,000

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved that **House Bill No. 2621**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumeny, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Forkkes, Fraley, Carrett, Givense, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargert, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAde, McDaniel, McChonald, McKee, McMallian, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stude, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whilson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 94.

A motion to reconsider was tabled.

House Bill No. 2619 — Tennessee Higher Education Commission - Revises terminology describing regulated postsecondary educational institutions. Amends TCA Title 49, Chapter 7, Part 20. by "Davidson. ("SB2560 by "Womack)

On motion, House Bill No. 2619 was made to conform with Senate Bill No. 2560; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 2560 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Davidson moved that **Senate Bill No. 2560** be passed on third and final consideration, which motion prevailed by the following vote:

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curliss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Forkkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAde, McDaniel, McChonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scrogg, Sharp, Stuice, Liriwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle Winningham, Wood Mr. Sreser Naifen, = 36

A motion to reconsider was tabled.

House Joint Resolution No. 579 -- Naming and Designating - "State Employee Week," June 14-20, 1998. by *Hargrove.

Rep. Hargrove moved that **House Joint Resolution No. 579** be adopted and that all members voting ave be added as sponsors, which motion prevailed by the following vote:

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curliss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Forkles, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halley, Halleman-Harwell, Hargert, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McRée, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scorgg, Sharp, Studec, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Winde, Winningham, Wood, Mr. Speaker Nalfeh – 95.

A motion to reconsider was tabled

House Bill No. 2991 — Taxes, Sales - Exempts from sales tax computer software used as tool in treating diagnosed learning disabilities. Amends TCA Title 67, Chapter 6, Part 3. by *DeBerry J. (*SB2655 by *Cohen)

Rep. J. DeBerry moved that **House Bill No. 2991** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	. 0
Present and not voting	1

Representatives voting aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chummey, Cole (Carter), Cole (Dyer), Cooper, Cross, Curliss, Davidson, Davis, DeBerry J., DeBerry L. Dunn, Exdles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halheman-Harwell, Hargrove, Hassell, Heda, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchle, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Studer, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

Representatives present and not voting were: Caldwell - 1.

A motion to reconsider was tabled.

House Bill No. 3090 - Domestic Violence - Deletes provision removing jurisdiction of civil or criminal division of the Shelby County general sessions court from issuing orders for protection in domestic abuse cases after 8/31/98. Amends Chapter 96 of the Public Acts of 1997. by *DeBerry J. (*SB2765 by *Person)

Rep. J. DeBerry moved that House Bill No. 3090 be passed on third and final consideration.

Rep. Chumney moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3090 by inserting the following as a new, appropriately designated section immediately preceding the effective date section and by renumbering such effective date section accordingly:

SECTION ___. Tennessee Code Annotated, Section 36-3-601(3)(E), is amended by deleting the words and punctuation "general sessions, criminal and civil," and by substituting instead the words and punctuation "general sessions criminal court"

On motion, Amendment No. 1 was adopted.

Rep. J. DeBerry moved that **House Bill No. 3090**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	9	5
Noes	- 1	n

Representatives voting aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchstt, Caldwell, Chumeny, Cole (Darfer, Ocle (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fichugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Studer, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Willians, Windle, Winningham, Wood, Mr., Soeaker Naifeh – 95.

A motion to reconsider was tabled

"House Bill No. 503 — Insurance, Health, Accident - Enacts "Tennessee Insured's Right to Personal HIV Information Act of 1997"; requires insurance provider to disclose to applicant or legal guardian reason for denial if applicant tests positive for HIV, to state reason for rate adjustment based on test, if any; and provide copy of lab test. Amends TCA Title 56. by 'DeBerry I, SR755 by 'Dischery I. SR755 by 'Dischery II. SR755 by 'Dischery III. SR755 by 'Di

Rep. J. DeBerry moved that House Bill No. 503 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 503 by deleting Sections 2 and 3 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 1, is amended by adding the following appropriately numbered new section:

An insurance company, health maintenance organization or hospital and medical service corporation that receives the results of a blood test for an applicant for insurance and the results of the blood test are positive for the human immunodeficiency virus (HIV), shall upon request of the applicant, provide the blood test results to the applicant or the applicant physician. An insurance company, health maintenance organization or hospital and medical service corporation that provides the results of a blood test under this section is immune from any and all claim and cause of action that may be asserted on the basis of disclosure of the hlord test fresults.

SECTION 3. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. J. DeBerry moved that House Bill No. 503, as amended,	be	passed	on	third	and
final consideration, which motion prevailed by the following vote:					

Ayes	9	95
Noes		٢

Representatives voting aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowkles, Frielge, Garrett, Glevens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Kent, Kernell, Kerr, Kisher, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pileasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Wiltison, Willians, Windle, Winninaham, Wood, Mr. Sepaeker Nafeh – 95.

A motion to reconsider was tabled.

"House Bill No. 2141 — Criminal Offenses - Expands scope of criminal offense of retaliation for past action to include clerk. Amends TCA Section 39-16-510. by "Windle. (SB2618 by "Havnes)

Rep. Windle moved that **House Bill No. 2141** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	. 9	μ
Noes		0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Filtzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargrett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAde, McDaniel, McChonald, McKee, McMallan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scorggs, Sharp, Stuloc, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windel, Winningham, Wood, Mr. Speaker Naifén – 94.

A motion to reconsider was tabled.

*House Bill No. 3053 — State Employees - Authorizes state employees to be accompanied by representative of choice at girevance procedures up to Level 4. Amends TCA Section 8-30-328. by *Windle. (SB3188 by *Davis L)

Rep. Windle moved that House Bill No. 3053 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3053 by deleting the amendatory language of Section 1 and substituting instead the following:

(9) An employee may be represented by a state employee representative of the employee's choice at any step before a Level 4 hearing.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that **House Bill No. 3053**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Munpower, Newton, Odom, Patton, Phelan, Philips, Prinon, Pleasant, Prutt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stuce, Tidvell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh — 98.

A motion to reconsider was tabled

House Bill No. 2733 — Paternity - Deletes requirement that birthing institution must send copy of acknowledgment of paternity to Title IV-D child support agency where mother resides, if mother or child receiving public assistance Amends TCA Section 68-3-302. by "Scrogas," (SS2P276 by "Perso).

Rep. Scroggs moved that House Bill No. 2733 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2733 by deleting the language of Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-3-302(e) is amended by adding the following language to the end of subsection (e):

The provisions of this subsection requiring the birthing institution or other entity which receives the voluntary acknowledgment of paternity to send a copy of the executed voluntary acknowledgment form to the local Title IV-D child support office where the mother resides, if the mother is receiving temporary assistance, Medicaid/TennCare or any successor programs, shall not apply to such birthing institutions or other entitles in any county having a population of more than eight hundred twenty-six thousand, three hundred (826,300) and less than eight hundred twenty-six thousand, four hundred (826,400) according to the 1990 Federal census.

On motion, Amendment No. 1 was adopted.

Rep. Scroggs moved that **House Bill No. 2733**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	. 96
Noes	C

Representatives voting aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumper, Cole (Darch, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAlee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Philips, Prinon, Pleasant, Prutt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Studie, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West,

Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96

A motion to reconsider was tabled

House Bill No. 2868 — Municipal Government - Expands Items included in municipal quity in municipally owned utility systems to include donations of land, equipment, right-oway, other real or personal property, in-kind services including personnel expenses, and foregone tax revenues. Amends TCA Section 7-34-115. by "Scroggs," ("S83046 by "Dixon)

Rep. Scroggs moved that House Bill No. 2868 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2868 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-34-115(a)(8), is amended by inserting the following language between the word "statement" and the punctuation ":":

; provided, however, such definition of equity investment shall not change the status under this section of any payments made pursuant to any provision of a city charter in existence on or before July 1. 1993

On motion, Amendment No. 1 was adopted.

Rep. Scroggs moved that **House Bill No. 2868**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	. 95	j
Noes	(1

Representatives voting aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumper, Cole (Darler), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Filchugh, Ford, Fowlkes, Fraley, Garrett, Gilvens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pieasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningharm, Wood, Mr. Speaker Nalféh – 93.

A motion to reconsider was tabled

"House Bill No. 3004 — Criminal Procedure - Requires removal and destruction of all public records concerning person who was arrested but released and never charged with crime. Amends TCA Section 40-32-101. by "Scroops." Hargett. (SB3186 by "Person." Person)

Rep. Scroggs moved that **House Bill No. 3004** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	. 0
Present and not voting	3

Representatives voting aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Cole (Cater), Cole (Dyer), Cooper, Cross, Curliss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Forkles, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scorge, Sharp, Stulce, Lirdwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr., Speaker Naffeh – 92.

Representatives present and not voting were: Brooks, Chumnev, Windle -- 3.

A motion to reconsider was tabled.

House Bill No. 2448 — Zoning - Permits ofly board of zoning appeals to have three, five or nine members rather than three of five members. Amends TCA Title 13, Chapter 7, 22, by "Sharp, "Turner (Hamilton), "Brown, "Stulce, "Wood, "McAfee. ("SB2432 by "Crutchfield, "Fowler)"

Rep. Sharp moved that House Bill No(s). 2448 be reset for the Regular Calendar on March 30, 1998, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 3003 — Alcoholic Beverages - Permits licensed hotels and restaurants to provide alcoholic beverages at catered events upon notice to commission. Amends TCA Section 57-4-101; Section 57-4-102; Section 57-4-203 and Section 57-4-301. by "Arriola, "Langster. ("SB3140 by "Haynes)

Further consideration of House Bill No. 3003 previously considered on March 18, 1998, and reset to today's Calendar.

Rep. Arriola moved that House Bill No. 3003 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3003 by deleting Section of the bill and inserting in lieu thereof the following:

SECTION 6. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following new subsection:

() "Caterer" means a business engaged in offering food and beverage service for a fee at various locations, which business operates a permanent catering hall on an exclusive basis which hall is capable of seating at least seventy-fiver (57) persons at ables and contains a complete and adequate commercial kitchen facility, and which business is licensed as a caterer by the Tennessee department of health.

Rep. Arriola requested that House Bill No. 3003 be moved down 3 places on the Calendar.

House Bill No. 2313 — Local Education Agency - Requires majority of all members constituting board to transact all business coming before board in regular or special meetings instead of majority of quorum.

(*SB2396 by *Graves, *Atchley)

Rep. McMillan moved that House Bill No(s). 2313 be reset for the Regular Calendar on March 26, 1998, which motion prevailed.

House Bill No. 3067 — Aged Persons - Enacts "Tennessee All Inclusive Care for the Elderly Act of 1998." Amends TCA Title 56, Chapter 32 and 7. by "McAfee, "Wood. ("SB3066 by "Crutchfield")

Further consideration of House Bill No. 3067 previously considered on March 19, 1998, and reset to today's Calendar.

On motion, House Bill No. 3067 was made to conform with **Senate Bill No. 3066**; the Senate Bill was substituted for the House Bill.

Rep. McAfee moved that **Senate Bill No. 3066** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	
Noes	

Representatives voting aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Copper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Philips, Phinion, Pleasant, Prutt. Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stude, Tidwell, Tidmell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2686 - Professions and Occupations - Prohibits person with prior felony record from installing, modifying or servicing burglar alarm system. Amends TCA Title 62, Chapter 32. by "Rhinehart. ("SB2391 by "Cooper")

Rep. Rhinehart moved that House Bill No. 2686 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2686 by deleting the amendatory language of Section 1 and substituting instead the following:

No person who has been convicted of a felony under the law of this state or any other state or the United States may install or modify or in any manner service any alarm system or burglar alarm system on the property of another person until ten (10) years after:

- (1) Service of the maximum sentence imposed; or
- (2) Being granted final release from incarceration or supervision by the board of parole, the department of correction or county correction authority;

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 2686**, as amended be passed on third and final consideration, which motion prevailed by the following vote:

Ayes9	2
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arniola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumeny, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Forkles, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scrogg, Sharp, Stamp, Stulca, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windel, Winnincham, Wood, Mr. Speaker Naifeh – 92.

Representatives present and not voting were: Cooper, Ritchie - 2.

A motion to reconsider was tabled.

House Bill No. 3003 — Alcoholic Beverages - Permits licensed hotels and restaurants to provide alcoholic beverages at catered events upon notice to commission. Amends TCA Section 57-4-101; Section 57-4-102; Section 57-4-203 and Section 57-4-301. by *Arriola, *Langster, (*S83140 by *Hawres)

Further consideration of House Bill No. 3003 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment No. 1.

Rep. Arriola moved that House Bill No(s). 3003 be reset for the Regular Calendar on March 26, 1998, which motion prevailed.

"House Bill No. 2237 — Private Protective Services - Requires written notice to be given to department of commerce and insurance when private security guard/officer's employment terminated. Amends TCA Title 62, Chapter 35, Part 1. by "West, (SB2293 by "Rochelle")

Rep. West moved that House Bill No. 2237 be passed on third and final consideration.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2237 By deleting in the third sentence of the amendatory language of Section 1 the language "all reports, records or statements" and by substituting instead the language "a statement".

On motion, Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 2237**, amended be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	9	ô
Noes	(Ō

Representatives voting aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Frielpy, Garrett, Glivens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kenell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McConald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelian, Phillips, Pinion, Pleasant, Putilt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Wittson, Williams, Wingle, Winninnaham, Wood, Mr. Sepasker Naifeh – 96.

A motion to reconsider was tabled.

House Bill No. 2610 — Insurance, Fire and Casualty - Requires general contractor be made loss paye when insured properly losses are more than \$1,000 and payment is made to owner for loss of uncompleted construction. Amends TCA Section 56-7-111. by *McDaniel. (*SB2379 by *Carter)

Rep. McDaniel moved that House Bill No. 2610 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2610 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-111 is amended by adding the following language to the end thereto:

The insurance company shall name the general contractor as payee on such draft pursuant to this section regardless of whether the work which was performed or is yet to be performed is less than twentyfive thousand dollars (\$25,000).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McDaniel moved that **House Bill No. 2610**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	9	ì
Noes		(

Representatives voting aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumeny, Cole (Darler), Cole (Dyer), Copper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eskles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Haltenan-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Munpower, Newton, Odom, Patton, Phelan, Philips, Phinon, Pleasant, Prutt. Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stude, Tidvell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 97.

A motion to reconsider was tabled.

*House Bill No. 2106 - Teachers - Allows LEAs to use state-paid insurance premium funds for IRA flexible benefit programs. Amends TCA Section 8-27-303. by *Jackson, *West. (SB2365 by *Springer)

Rep. Jackson moved that House Bill No. 2106 be passed on third and final consideration.

Rep. Davidson requested that Education Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2106 By deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

Distribution to each eligible employee, as defined in 8-27-302(c)(2), through a flexible spending arrangement authorized by Section 125 of the Internal Revenue Code of the amount of the per eligible employee financial support provided through the basic education program for group insurance coverage shall meet the requirements of this subsection.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Jackson moved that **House Bill No. 2106**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	
Noes	(

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Forwikes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelty), Walker (Blount), Walley, West, Westmoreland, White, Wilston, Willians, Will

A motion to reconsider was tabled

House Bill No. 2527 — Medical Occupations - Establishes respiratory care board.

Amends TCA Title 63 and Title 68. by *Jackson. *West. (*SB2334 by *Rochelle)

Rep. Jackson moved that House Bill No. 2527 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2527 by deleting the period at the end of the amendatory language in Section 51 and adding the following language and punctuation:

; provided, however, the board shall have no authority to regulate a health care professional subject to regulation by another health-related board.

AND FURTHER AMEND by deleting the language of Section 50 and by substituting the following language:

Section 50. Tennessee Code Annotated, Section 63-6-402(4), is amended by deleting the language of subdivisions (A) and (B), by relettering subdivision (C) as subdivision (B), and by adding the following language as a new subdivision (A):

(A) "Practice of respiratory care" means, under the supervision, control and responsibility of a lenesed physician, the therapy, management, education and instruction, rehabilitation, diagnostic testing evaluation, and care of patients with deficiencies and anhormalities which affect the cardiorespiratory system and associated aspects of other system functions. The practice of respiratory care shall also mean, under the supervision, control and responsibility of a licensed physician, the performance of cardiorespiratory research, cardiorespiratory health

promotion and disease prevention, and community wellness and education programs. The practice of respiratory care shall include, under the supervision, control and responsibility of a licensed physician:

- (1) The administration of pharmacologic agents and medical gasses necessary to diagnose, implement treatment, promote disease prevention, and provide rehabilitation to the cardiorespiratory system. In no event, however, shall a respiratory care practitioner prescribe controlled substances of any kind:
- (2) The performance of specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, patient and family education, monitoring, treatment, maintenance of patient health status, and cardiorespiratory research including but not limited to pulmonary function testing, hemodynamic and physiologic monitoring and diagnosis of cardiac function, and specimen collection and analysis;
- (3) The establishment and maintenance of the airways, bronchopulmonary hygiene, and cardiopulmonary resuscitation, and cardiac and respiratory life support; and
- (4) The receipt and implementation of written and verbal physician orders and the development and implementation of care plans and protocols.

The practice of respiratory care may be performed in an inpatient or outpatient setting, clinic, hospital, nursing home facility, private dwelling, or other place deemed appropriate or necessary.

On motion, Amendment No. 1 was adopted.

Rep. Jackson moved that ${f House\ Bill\ No.\ 2527},$ as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Murpower, Newton, Odom, Patton, Phelan, Philips, Phinon, Pleasant, Prutt. Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stude, Tidvell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 97.

A motion to reconsider was tabled

House Bill No. 3158 — Evidence - Creates privilege to refuse to take witness stand in criminal proceeding if spouse is party. Amends TCA Tille 24, Chapter 1. by "McMillan, "Buck, "Scroops, "Jackson. ("SB2936 by "Crutchfield. "Davis L)

Rep. McMillan moved that House Bill No. 3158 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3158 by deleting all language after the enacting clause and by substituting instead the following:

- SECTION 1. Tennessee Code Annotated, Section 24-1-201(b) is amended by deleting the language "In either a civil or criminal proceeding" in the first sentence and substituting instead, the language "In a civil proceeding".
- SECTION 2. Tennessee Code Annotated, Section 24-1-201, is further amended by adding the following as new subsections:
 - (c) In a criminal proceeding, a marital confidential communication is privileged if it meets the criteria of subsection (d) and is inadmissible in evidence unless the witness-spouse waives such privilege. This marital confidential communications privilege shall not apply to proceedings involving the abuse of a spouse or minor as described in subsection (b) of this section.
 - (d) A marital confidential communication is privileged in a criminal proceeding only if:
 - (1) The communications originated in a confidence that they will not be disclosed:
 - (2) The element of confidentiality is essential to the full and satisfactory maintenance of the relation between the parties:
 - (3) The relation must be one which, in the opinion of the community, ought to be sedulously fostered; and,
 - (4) The injury to the relation by disclosure of the communications outweighs the benefit gained for the correct disposal of litigation.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 3158**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Golins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kerrt, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Murpower, Newton, Odom, Patton, Phelan, Philips, Pinion, Pleasant, Prutt. Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stude, Tidvell, Tidnell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh — 96.

A motion to reconsider was tabled.

House Bill No. 2759 — District Attorneys - Provides that when district attorney general brings proceeding to terminate tenancy of occupant of premises because premises being used for drug violations, landlord must pay all labor force costs of eviction not to exceed \$200 per eviction. Amends TcA Section 66-7-107. by "DeEptry J. (*B2748 by "Pen28748)" is a constant of the provided of the provided in the provided

Rep. J. DeBerry moved that **House Bill No. 2759** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	38
Noes	. 6
Present and not voting	. 1

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Forkles, Freiley, Garrett, Givens, Godsey, Gunnels, Halley, Halleman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McRée, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Stamps, Stulce, Tidwell, Tindell, Walker (Blound), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 88.

Representatives voting no were: Beavers, Cooper, Sargent, Sharp, Towns, Turner (Shelby) – 6.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled

House Bill No. 3279 — Railroads - Specifies that inspection, control and supervision fees derived from railroads be used by department of transportation solely for railinoad related programs. Amends TCA Title 65. Chapter 3. Part 2. by "McDonald, ("SB2448 by "Haun)

Rep. McDonald moved that House Bill No. 3279 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3279 by deleting the period (.) at the end of the amendatory language of Section 1 and by adding the following language:

and assessment functions performed by the comptroller of the treasury under Tennessee Code Annotated. Title 67. Chapter 5. Part 13.

On motion, Amendment No. 1 was adopted.

Rep. McDonald moved that **House Bill No. 3279**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Voes	0
Present and not voting	-

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curliss, Davidson, Davis, DeBerry J., DeBerry L. Dunn, Exkles, Ferguson, Fitzhugh, Ford, Fowlkes, Frajey, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisher, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Kernell, Kerr, Kisher, Langster, Lewis, Haddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stutper, Tidwell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Willson, Williams, Windle, Winningham, Wood, Mr. Seasker Naifeh – 94.

Representatives present and not voting were: Brooks, Phillips -- 2.

A motion to reconsider was tabled.

House Bill No. 2660 — Water Pollution - Applies discharge permit requirements to concentrated animal feeding operations; defines "concentrated animal feeding operations." Amends TCA Title 69, Chapter 3, Part 1. by "McDonald, "Davidson, "Bone. ("SB2913 by "Graves)

Rep. McDonald moved that House Bill No. 2660 be passed on third and final consideration.

On motion, Rep. Cross withdrew Conservation & Environment Committee Amendment No. 1

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2660 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 69-3-103, is amended by adding the following new item:

() "Concentrated animal feeding operation" shall be defined as such tern is defined by the Environmental Protection Agency, however, the department may, by permit requirements or by regulations adopted by the board in accordance with the provisions of Tennessee Code Annotate, Title 4, Chapter 5, adopt a more stringent definition of the term "concentrated animal feeding operation".

SECTION 2. Tennessee Code Annotated, Section 69-3-108(b), is amended by adding the following as a new subdivision (7) and redesignating the existing subdivisions accordingly:

> (7) The construction, installation or operation of a concentrated animal feeding operation;

SECTION 3. The provisions of this act shall take effect on becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Ridgeway moved the previous question, which motion prevailed.

Rep. McDonald moved that **House Bill No. 2660**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	15
Noes	0
Present and not voting	1

Representatives voling aye were: Armstrong, Arnola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kenrl, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odon, Patton, Phelan, Pinion, Pleasant, Prütt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Roblinson, Sands, Sargent, Scroggs, Sharp, Stuce, Tidvell, Tindell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Phillips - 1.

A motion to reconsider was tabled

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Stulce, House Bill(s) No(s). 500 and 2331 were recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Hood, **House Bill No. 3262** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Hood, **House Bill No. 3263** was recalled from the Health & Human Resources Committee and withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 26, 1998:

House Bill No. 3228: by Rep. U. Jones

House Bill No. 3095: by Rep. Ferguson

House Bill No. 2908: by Rep. Hargrove

House Bill No. 2864: by Rep. Burchett

House Bill No. 2787: by Rep. Cross

MESSAGE FROM THE SENATE March 23, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2209, 3007, 3042, 3079, 3086, 3099 and 3161; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

"Senate Bill No. 2209 — State Employees - Prohibits termination of state employee for filing workers' compensation claim; permits reinstatement, back pay and recovery of attorney fees Amends TCA Title 9. Chapter 8. Part 3. b "Cohen.

*Senate Bill No. 3007 — Municipal Government - Enacts impact fee for Mt. Juliet to be assessed for new residential development if approved by 2/3 vote of municipality. Amends TCA Title 6, Chapter 54. by *Rochelle.

*Senate Bill No. 3042 — Codes - Provides for adoption by state fire marshal and local governments of building codes suitable for historic structures. Amends TCA Title 68, Chapter 120. by *Dixon.

*Senate Bill No. 3079 — Fees - Authorizes register in Jefferson County to impose \$2.00 data processing fee for recording of each instrument Amends TCA Section 8-21-1001. by *Williams.

*Senate Bill No. 3086 — Municipal Government - Allows city to delegate power to health, educational and housing facility corporation to contract with lessees for payment in lieu of taxes. Amends TCA Section 48-101-312. by *Leatherwood.

Senate Bill No. 3099 — Pardons and Paroles - Excludes close custody and maximum custody inmates from parole grant hearing for designated amount of time. Amends TCA Section 40-28-115 and Section 40-35-501. by *Jordan, *Atchley.

Senate Bill No. 3161 — Fees - Authorizes register in Dickson County to impose \$2.00 data processing fee for recording of each instrument Amends TCA Section 8-21-1001. by "Springer.

ENGROSSED BILLS March 23, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 503, 2079, 2106, 2141, 2237, 2394, 2527, 2610, 2621, 2660, 2672, 2679, 2866, 2733, 2759, 2837, 2868, 2951, 2891, 3004, 3053, 3090, 3158, 3176, 3223, 3279, 3352, 3389, 3391 and 3392, also, House Joint Resolution(s) No(s). 426, 513, 579 and 626.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll	call was	taken with	the following	results:	
Present					 96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Flüthugh, Ford, Fowlkes, Frailey, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrowe, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kerrt, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Murpower, Newton, Odom, Patton, Phelan, Philips, Phinon, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchile, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stude, Tidwell, Tidmell, Towns, Turner (Shelby), Walker (Blount), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Nalfeh –

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, March 26, 1998.